

BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary

Meeting Date _____ Division _____ County Attorney _____
AGENDA ITEM WORDING

A resolution rescinding Resolution No. 166-2004, and authorizing a transfer of real property to the Florida Keys Aqueduct Authority for purposes of establishing a wastewater treatment facility on Conch Key.

ITEM BACKGROUND

On April 21, 2004, the County Commission authorized through Resolution No. 166-2004 a transfer of a tract of property larger than is needed by for the lift transfer station. The County Commission deems a transfer of a smaller parcel of property to FCAA to be in the best interest of the residents of Monroe County

PREVIOUS RELEVANT BOCC ACTION

Approval of Resolution No. 166-2004 and transfer of property to FCAA on April 21, 2004.

CONTRACT/AGREEMENT CHANGES

STAFF RECOMMENDATIONS

Approval

TOTAL COST _____ BUDGETED Yes No

COST TO COUNTY _____ SOURCE OF FUNDS

APPROVED BY: County Attorney *[Signature]* OMB/Purchasing ! Risk Management !

DIVISION DIRECTOR APPROVAL: _____
JOHN R. COLLINS

DOCUMENTATION: Included ! To Follow ! Not Required !

AGENDA ITEM # _____ *m2*

RESOLUTION NO. - 2004

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, RESCINDING RESOLUTION NO. 166-2004, AND AUTHORIZING A TRANSFER OF REAL PROPERTY TO THE FLORIDA KEYS AQUEDUCT AUTHORITY FOR PURPOSES OF ESTABLISHING A WASTEWATER TREATMENT FACILITY ON CONCH KEY.

WHEREAS, the County Commission recognizes that the issue of wastewater treatment is of substantial importance to the health and welfare of the residents of Monroe County; and

WHEREAS, the Florida Keys Aqueduct Authority applied for the transfer of property on Conch Key for the establishment of a wastewater treatment facility; and

WHEREAS, since the application for the tract for a wastewater treatment plant, it has been determined that a site on Conch Key is needed for a lift transfer station rather than a wastewater treatment plant; and

WHEREAS, on April 21, 2004, the County Commission did authorize through Resolution No. 166-2004 a transfer of a tract of property larger than is needed by Party of the Second Part property for the lift transfer station; and

WHEREAS, in accordance with F.S. 125.38, it is deemed in the interest of public health and welfare that said property be transferred to the Florida Keys Aqueduct Authority; and

WHEREAS, prior to the adoption of the original resolution authorizing transfer of the larger parcel of property, was published at least once a week for two weeks, the proposed transfer of land, as required by F.S. 125.35; and

WHEREAS, the County Commission deems a transfer of a smaller parcel of property to Party of the Second Part to be in the best interest of the residents of Monroe County; and

WHEREAS, the deed approved for execution on April 21, 2004, was not recorded due to the interim information regarding the need to transfer only a smaller parcel of property; now therefore

BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

1. Resolution No. 166-2004 is hereby rescinded.
2. The unrecorded deed approved April 21, 2004, is hereby rescinded.

3. Monroe County shall transfer to the Florida Keys Aqueduct Authority that parcel of property situated on Conch Key, described in Exhibit A, attached hereto and incorporated herein by reference.

4. The Mayor is authorized to execute a quitclaim deed transferring said property.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said board held on June 19, 2004.

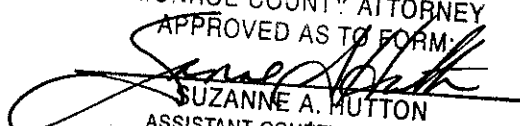
Mayor Nelson
Mayor Pro Tem Rice
Commissioner McCoy
Commissioner Neugent
Commissioner Spehar

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 5/28/04

This instrument prepared by,
or under the direction of,
Suzanne A. Hutton, Esq.
FBN 336122
Office of County Attorney
P.O.Box 1026
Key West, Fl. 33041-1026

QUITCLAIM DEED

THIS INDENTURE, Made this 16th day of June, 2004, by and between MONROE COUNTY, Party of the First Part, by and through the Board of County Commissioners of Monroe County, Florida, whose address is 500 Whitehead Street, Key West, Florida 33040, to FLORIDA KEYS AQUEDUCT AUTHORITY, Party of the Second Part, a special district of the State of Florida with offices at 1100 Kennedy Drive, Key West, Florida 33040.

WITNESSETH

WHEREAS, Party of the First Part did heretofore acquire title to a parcel of property, on Conch Key, Florida, as recorded in Official Records Book 1848 at Page 2315 of the Public Records of Monroe County Florida; and

Whereas, on April 21, 2004, Party of the First Part did authorize through Resolution No. 166-2004 a transfer of a larger tract of property than is needed by Party of the Second Part property; and

WHEREAS, Resolution No. 166-2004 has been rescinded and Party of the First Part Has resolved to transfer to Party of the Second Part the below described property;

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That the Party of the First Part, in consideration of acceptance of title to said property by the Party of the Second Part for a public purpose, does hereby remise, release and quitclaim unto the Party of the Second Part, and assigns, forever, all the right, title and interest of the Party of the First Part to the property herein described all that certain land situate on Conch Key, in Monroe County, Florida, to wit:

See Legal Description in Exhibit A, attached hereto and incorporated herein by reference,

Subject to a reversionary interest in said property should FKAA cease to use said property for wastewater purposes,

TO HAVE AND TO HOLD, the said premises and the appurtenances thereof unto the Party of the Second Part.

IN WITNESS WHEREOF, the Party of the First Part has caused these presents to be signed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year first above written.

(OFFICIAL SEAL)

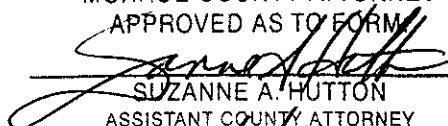
ATTEST:

DANNY L. KOLHAGE

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
Deputy Clerk

By: _____
Mayor

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 6/01/04

LEGAL DESCRIPTION
Monroe County right of way conveyance
to Florida Keys Aqueduct Authority

A parcel of land on Conch Key lying in fractional section 15, Township 65 South, Range 34 East, Monroe County, Florida; said parcel being more particularly described as follows:

Commence at the intersection of the southwesterly right of way line of South Conch Avenue extended and the northwesterly right of way line of State Road 5 (US-1); thence S 67°16'34" E along said extension of the southwesterly right of way line of South Conch Avenue 71.76 feet to a point lying on a line 150.00 feet northwesterly of and parallel with the baseline of survey as shown on the Florida Department of Transportation Right of way Map for Conch Key, Section 90050, Sheet 12 of 28; thence N 68°33'26" E along said parallel line 73.44 feet to the Point of Beginning; thence continuing along said parallel line N 68°33'26" E, 50.00 feet; thence departing said parallel line S 21°26'34" E, 50.00 feet to a point lying on a line 100.00 feet northwesterly of and parallel with the aforementioned baseline of survey, said point also lying 100.00 feet left of baseline of survey Station 151+75; thence S 68°33'26" W along said parallel line 50.00 feet to a point lying 100.00 feet left of baseline of survey Station 151+25; thence departing said parallel line N 21°26'34" W, 50.00 feet to the Point of Beginning.

The total amount of right of way to be conveyed in this description is 2,500 square feet.

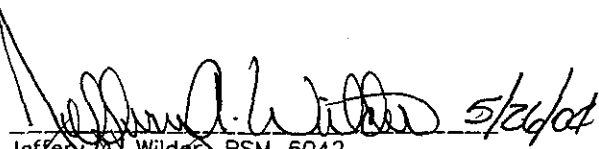
The bearings used in this legal description are based on Florida Department of Transportation Right of Way Map, Section 90050-2509, sheet 12 of 28.

The information used to compile this legal description and sketch was taken from Florida Department of Transportation Right of Way Map Section 90050-2509, sheet 12 of 28, a plat of Conch Key recorded in Plat Book 2, Page 130, a deed recorded in O.R. Book 1848, Page 2315 and a field survey performed on 4-01-04.

Please see Sheet 2 for the sketch of the legal description. This sheet is not valid without Sheet 2.

MONROE COUNTY ENGINEERING DEPARTMENT
10600 AVIATION BOULEVARD MARATHON, FLORIDA 33050
305-289-6074

This legal description was written under my direct supervision and is true and correct to the best of my knowledge and belief.


Jeffery A. Wilder, PSM 6042
Must bear original raised seal of Florida
Licensed Surveyor and Mapper to be valid,
otherwise this is for informational purposes
only.

FIELD WORK:	4-01-04	DATE:	5-26-04
FIELD BOOK:	04-01	SCALE:	none
TOWNSHIP	65 South	DRAWN BY:	J. Wilder
RANGE	34 East	CHECKED BY:	J. Wilder
SECTION	15	DWG. NAME:	fkoapump.dwg
COUNTY	Monroe	SHEET	1 OF 2

Conch Key
Plat Book 2, Page 130

(31)

(13)

South Conch Avenue

R/W

20' wide asphalt road

Fire Well

Southeasterly line of right of way conveyed by the Florida Department of Transportation to Monroe County in D.R. Book 1848, Page 2315.

Bearings based on Florida Department of Transportation Right of Way Map, Section 90050-2509, Sheet 12 of 28

Monroe County Fire Station No. 17

AC Unit

Shed

Flagpole

Diesel Tank

Asphalt Parking Lot

Telephone Equipment

Edge of Pavement

Baseline of Survey US-1 (SR 5)
212'± to Intersection with North Conch Avenue

LEGEND

- P.O.B. - Point of Beginning
- P.O.C. - Point of Commencement
- ⊕ - utility pole & guy wire
- R/W - Right of way line
- ⊙ - utility pole & light

Please see Sheet 1 for the legal description. This sheet is not valid or complete without Sheet 1.

SKETCH OF LEGAL DESCRIPTION

Monroe County right of way conveyance to Florida Keys Aqueduct Authority

MONROE COUNTY ENGINEERING DEPARTMENT
10600 AVIATION BOULEVARD, MARATHON, FLORIDA 33050
305-289-6074

Jeffrey A. Wilder 5/26/04
Jeffrey A. Wilder, PSM 6042

Unless it bears the signature and original raised seal of a Florida Licensed Surveyor and Mapper this drawing, map, plat, or sketch is for informational purposes only and is not valid.

Certification: Certified for Sketch of Legal Description
I hereby certify that this sketch meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. This sketch was performed under my direct supervision and is true and correct to the best of my knowledge and belief.



FIELD WORK:	4-01-04	DATE:	5-26-04
FIELD BOOK:	04-01	SCALE:	1" = 50'
TOWNSHIP	65 South	DRAWN BY:	J. Wilder
RANGE	34 East	CHECKED BY:	J. Wilder
SECTION	15	DWG. NAME:	fkaopump.dwg
COUNTY	Monroe	SHEET	2 OF 2